

Sacramental Sharing According to the Second Vatican Council and Catholic Canon Law

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Introduction

Since the Second Vatican Council the Catholic Church has strenuously endeavoured to rediscover what unites the Churches and ecclesial communities, foster frank dialogue of truth, engender ecumenical spirit and to streamline the ways of rapprochement and full communion. Several means have been devised to augment mutual assistance, fraternal charity and reciprocal collaboration among all Christians in economic, political, religious and socio-cultural fields. Since the Council, the Catholic Church permits also the sharing of spiritual activities and resources: prayer in common, participation in non-sacramental liturgical worship such as common meditation of the word of God, prayer services, funeral rites and blessings. Finally the Church even consents to sharing in sacramental worship for the spiritual good of the Christian faithful in certain particular circumstances.

The scope of this article is to explore only the different aspects of sacramental sharing, which should be anchored on sound doctrinal and canonical principles. In fact the possibility of sacramental sharing is a natural consequence of the recognition of other Churches and ecclesial communities outside the Catholic Church. After some brief notes on the situation before Vatican II, we present the theological and ecclesiological grounds of sacramental sharing. Then we proceed to an extensive commentary on the norms

and conditions laid down in Catholic canon law for an orderly and healthy communication in the sacraments between the Catholic Church and other Churches and ecclesial communities.

1. The Pre-conciliar Ecclesiology and the Prohibition of Sacramental Sharing

Since the Middle Ages, especially after the Council of Trent the institutional model of the Church prevailed in the Roman Catholicism. According to this view the Church of Christ was completely identified with the Roman Catholic Church, with the consequent denial of any kind of ecclesiality outside of it. The Church was considered a perfect society, whose permanent constitution had been conferred upon it by Christ himself. The Church was practically identified with the governing body or hierarchy and salvation was possible only within the Roman Catholic Church.¹

As a result of the complete and full identification of the one Church of Christ with the Roman Catholic Church, it was not possible to recognize even some ecclesial elements in the Orthodox Churches and the least in the communities ensuing from the Reformation. The sacraments administered outside the Roman Catholic Church were generally considered invalid and illicit and hence there was no room for any kind of sacramental sharing. It was unthinkable that a Catholic could participate in the liturgical celebrations in an Orthodox Church. Similarly “heretics and schismatics” were not admitted to any kind of liturgical worship in the Catholic Church. The 1917 Code of Canon Law explicitly stated: “It is forbidden that the Sacraments of the Church be ministered to heretics and schismatics, even if they ask for them and in good faith, unless beforehand, rejecting their errors, they are reconciled with the Church”.² For the heretics and schismatics the only way to receive any sacrament from a Catholic minister was to abandon their Church and to return to the Catholic Church.

In harmony with the institutional ecclesiology prevailed at that epoch, Pope Pius XI condemned the ecumenical movement and prohibited Catho-

¹A. Dulles, *Models of the Church*, expanded edition, New York, Image Books, 2002, pp. 26-38, 118-121, 136-138, 154-155 & 168-170.

²“*Vetitum est Sacramenta Ecclesiae ministrare haereticis aut schismaticis, etiam bona fide errantibus, nisi prius, erroribus reiectis, Ecclesiae reconciliati fuerint*” (*CIC* 1917, c. 731 § 2).

lics from participating in the assemblies of other Christian denominations. According to him the one Church of Christ was established by Christ as a perfect society, external of its nature and perceptible to the senses. The only thing necessary is to recall the erring sons and lead them to the bosom of the Roman Catholic Church. In the encyclical *Mortalium animos*, after explaining all the reasons for his opposition to the ecumenical movement the Pope concluded: "So, Venerable Brethren, it is clear why this Apostolic See has never allowed its subjects to take part in the assemblies of non-Catholics: for the union of Christians can only be promoted by promoting the return to the one true Church of Christ of those who are separated from it, for in the past they have unhappily left it. To the one true Church of Christ, we say, which is visible to all, and which is to remain, according to the will of its Author, exactly the same as he instituted it".³ Accordingly the Church of Christ is exclusively limited within the visible institutional bounds of the Roman Catholic Church and hence the only possible ecumenism was the return of the non-Catholics to the Catholic Church.

Pope Pius XII defined the Church as the mystical body of Christ, identifying it with the Roman Catholic Church.⁴ In the encyclical *Humani generis* the Pope clarified: "Some say they are not bound by the doctrine, explained in our encyclical letter of a few years ago, and based on the sources of Revelation, which teaches that Mystical Body of Christ and the Roman Catholic Church are one and the same thing. Some reduce to a meaningless formula the necessity of belonging to the true Church in order to gain eternal salvation".⁵

Since the Church was fully and exclusively identified with the Roman Catholic Church it was not possible to recognize any Church or even valid ecclesial elements outside the one Catholic Church. All the non-Catholics were simply considered heretics and schismatics with whom any kind of collaboration was extremely difficult even in secular, political and socio-cultural affairs. In such a historical context, there did not even arise the question of any kind of sacramental sharing.

³Pius XI, Encyclical Letter, *Mortalium animos*, 6 January 1928, no. 10, in *AAS*, 20 (1928), p. 4.

⁴Pius XII, Encyclical Letter, *Mystici Corporis*, 29 June 1943, in *AAS*, 35 (1943), p. 193.

⁵Pius XII, Encyclical Letter, *Humani generis*, 12 August 1950, no. 27, in *AAS*, 42 (1950), p. 571.

2. The Recognition of Other Particular Churches as the Ecclesiological Basis for Sacramental Sharing

The Second Vatican Council surmounted the difficulty engendered by the full, complete and exclusive identification of the Church of Christ with the Roman Catholic Church and recognized the existence of other Churches and ecclesial communities outside of it. The dogmatic constitution on the Church states that the one, holy, catholic and apostolic Church “constituted and organized as a society in the present world, subsists in the Catholic Church, which is governed by the successor of Peter and by the Bishops in communion with him, although many elements of sanctification and of truth are found outside of its visible structure”.⁶

The use of the verb “subsists in”, instead of “is”, has generally been considered as the hallmark of a new inclusive ecclesiology, which recognizes the existence of other Churches and ecclesial communities outside the Roman Catholic Church. According to Cardinal Avery Dulles, “the substitution of the term ‘subsists in’ (*subsistit in*) for the term ‘is’ in previous drafts of the Constitution on the Church is one of the most significant steps taken by Vatican II”, since this leaves room for the realization of the Church of Christ in Christian communities outside the Roman Catholic Church at least in an imperfect manner.⁷ Cardinal Walter Kasper explains the significance of the conciliar text as follows:

The formula ‘*subsistit in*’ replaces the earlier formula ‘*est*’, which expressed a strict identity between the Catholic Church and the Church of Christ. The new formula has a twofold meaning. On the one hand, it states that Church of Christ is really present and is to be found in the Roman Catholic Church. On the other hand, it takes seriously that outside the visible confines there are not only individual Christians but ecclesial elements or, as in the case of the churches of the East, even genuine particular churches. So it makes possible a greater ecumenical openness and flexibility, compared with the strict identification of the Roman Catholic Church with the Church of Jesus Christ which was expressed by the former ‘*est*’. This ‘*subsistit in*’

⁶Vatican II, *Lumen gentium*, no. 8.

⁷Dulles, *Models of the Church*, pp. 117-118.

is therefore the open ecumenical door; at the same time it represents the crux of the ecumenical dialogue.⁸

As regards our theme one can easily understand that only if there can exist Churches with true sacraments outside the Roman Catholic Church, any kind of sacramental sharing is possible between these Churches.

In the declaration *Dominus Iesus* the Congregation for the Doctrine of the Faith authentically explained the theological significance of the aforementioned formula: "With the expression *subsistit in*, the Second Vatican Council sought to harmonize two doctrinal statements: on the one hand, that the Church of Christ, despite the divisions which exist among Christians, continues to exist fully only in the Catholic Church, and on the other hand, that 'outside of her structure, many elements can be found of sanctification and truth', that is, in those Churches and ecclesial communities which are not yet in full communion with the Catholic Church".⁹ The Congregation has clarified the position of the Catholic Church, reiterating the doctrine of Vatican II concerning the ecclesial nature of other Churches. However, different grades of ecclesiality can be verified outside the Catholic Church, depending on the presence or absence of true and valid sacraments. Hence the Churches of the East and the ecclesial communities of Reformation are treated separately in all the official documents of the Catholic Church since the Second Vatican Council.

2.1. The Recognition of the Churches of the East and Their True Sacraments

The Second Vatican Council made a basic distinction between the Churches of the East and the ecclesial communities of the West. The Churches of the East include: the Assyrian Church of the East Syrian tradition, the Ancient Oriental Churches separated from the Catholic Church after the Council of Chalcedon in 451 and the Orthodox Churches of the Byzantine tradition, separated only in 1054 with the promulgation of mutual excommunications. Vatican II solemnly declares that "there flourish in the East many particular or local Churches, among which the Patriarchal

⁸W. Kasper, *That They May All Be One: The Call to Unity Today*, London, Continuum, 2004, p. 65.

⁹Congregation for the Doctrine of the Faith, Declaration *Dominus Iesus*, 6 August 2000, no. 16, in *AAS*, 92 (2000), p. 758; see also idem, *Responses to Some Questions regarding Certain Aspects of the Doctrine on the Church*, 29 June 2007, in *AAS*, 99 (2007), p. 606.

Churches hold first place, and of these not a few pride themselves in tracing their origins back to the apostles themselves. Hence a matter of primary concern and care among the Easterners, in their local churches, has been, and still is, to preserve the family ties of common faith and charity which ought to exist between sister Churches".¹⁰

Between the Roman Catholic Church and the Eastern Orthodox Churches there exists almost complete agreement with regard to sacramental worship. The Eastern Churches celebrate the sacred liturgy, especially the Eucharistic mystery with great love. They possess true sacraments and above all, by apostolic succession, the priesthood and the Eucharist. Since they have true episcopate and priesthood, all the sacraments which require episcopal and priestly ministry are also valid. Similarly the Eastern Churches venerate Mary ever Virgin and the holy Mother of God.¹¹

Confirming the true ecclesiality of the Churches of the East the declaration *Dominus Iesus* asserts: "The Churches which, while not existing in perfect communion with the Catholic Church, remain united to her by means of the closest bonds, that is, by apostolic succession and a valid Eucharist, are true particular Churches. Therefore, the Church of Christ is present and operative also in these Churches, even though they lack full communion with the Catholic Church, since they do not accept the Catholic doctrine of the Primacy, which, according to the will of God, the Bishop of Rome objectively has and exercises over the entire Church".¹² The declaration seems to recognize that the Eastern Orthodox Churches, which have all the true sacraments, are almost fully Churches, the only imperfection being the rejection of the "Catholic doctrine of primacy".

2.1.1. Recognition of Doctrinal Communion with the Churches of the East

There exists also dogmatic communion between the Roman Catholic Church and the Orthodox Churches, with regard to the doctrines of Holy Trinity, Jesus Christ and Blessed Virgin Mary, in spite of the differences in theological formulations and expressions. In fact, it was the ecumenical coun-

¹⁰Vatican II, *Unitatis redintegratio*, no. 14.

¹¹Vatican II, *Unitatis redintegratio*, no. 15.

¹²Congregation for the Doctrine of the Faith, Declaration *Dominus Iesus*, no. 17, in *AAS*, 92 (2000), p. 758.

cils held in the East that defined the basic dogmas of the Christian faith, on the Trinity, on the Word of God Who took flesh of the Virgin Mary.¹³ As regards the authentic theological traditions of the East, the Council recognizes "the admirable way in which they have their roots in Holy Scripture, and how they are nurtured and given expression in the life of the liturgy. They derive their strength too from the living tradition of the apostles and from the works of the Fathers and spiritual writers of the Eastern Churches. Thus they promote the right ordering of Christian life and, indeed, pave the way to a full vision of Christian truth".¹⁴

The Roman Catholic Church and the Orthodox Churches of Byzantine tradition, under the ecumenical patriarchate of Constantinople lived in full communion, professing the same faith for more than thousand years. The work of the Joint International Theological Commission for the Dialogue between the Catholic Church and the Orthodox Church established in 1979, enable these Churches to realize that already there exists almost complete agreement on all the essential aspects of the Christian faith.¹⁵ As a result of the dialogue between the Catholic Church, the Ancient Oriental Churches and the Assyrian Church of the East the misunderstandings with regard to the Christological formulas on the unity of the human and divine natures of Christ in one single person, has been overcome. The doctrinal errors, known in history as Monophysitism and Nestorianism terminated with the common Christological declarations signed by the Roman Pontiff and the respective patriarchs of the Eastern Churches, who jointly proclaim the common faith in Jesus Christ, true God and true man.¹⁶ Hence there is substantial doctrinal communion between the Roman Catholic Church and the Eastern Orthodox Churches of Byzantine, Antiochene and Chaldean traditions.

¹³Vatican II, *Unitatis redintegratio*, no. 14; *Lumen gentium*, no. 15; John Paul II, Encyclical Letter, *Ut unum sint*, 25 May 1995, no. 12, in *AAS*, 87 (1995), p. 928.

¹⁴Vatican II, *Unitatis redintegratio*, no. 17.

¹⁵John Paul II, *Ut unum sint*, nos. 59-61, in *AAS*, 87 (1995), pp. 957-959.

¹⁶John Paul II, *Ut unum sint*, no. 62, in *AAS*, 87 (1995), pp. 959-960; among the various common declarations, see especially the Joint Declaration by Pope Paul VI and Mar Ignatius Jacob III, Patriarch of the Church of Antioch of the Syrians, 27 October 1971, in *AAS*, 63 (1971), p. 814; and the Common Christological Declaration by Pope John Paul II and Mar Dinkha IV, the Patriarch of the Assyrian Church of the East, 11 November 1994, in *AAS*, 87 (1995), pp. 685-687.

In addition to pneumatology, at present the doctrine of Roman primacy appears to be the only insurmountable dogmatic difference between the Roman Catholic Church and the Orthodox Churches. Pope John Paul II explicitly acknowledged, "the Catholic Church's conviction that in the ministry of the Bishop of Rome she has preserved, in fidelity to the Apostolic Tradition and the faith of the Fathers, the visible sign and guarantor of unity, constitutes a difficulty for most other Christians, whose memory is marked by certain painful recollections".¹⁷ In brief, one can affirm that between the Roman Catholic Church and the Orthodox Churches there exists substantial agreement on the basic doctrines of Christian faith with the exception of Roman primacy. Such dogmatic communion also facilitates sacramental sharing between the Catholic Church and the Orthodox Churches.

2.1.2. Recognition of the Power of Governance and Canonical Ordering of the Orthodox Churches

The recognition of the true power of governance or jurisdiction in the Orthodox Churches is a natural consequence of their ecclesiality and authentic sacramental life. The Orthodox Churches have valid sacrament of Orders: diaconate, priesthood and episcopate. According to Catholic theology itself, by valid episcopal consecration, along with the office of sanctifying, the Orthodox bishops receive the offices of teaching and governing as well.¹⁸ In the Catholic Church these powers can only be exercised in hierarchical and explicit ecclesiastical communion with the Roman Pontiff, the head of the college of bishops and with its members. However, the same powers can be exercised by Orthodox bishops in the Orthodox Churches, even without an explicitly and canonically expressed communion with the Roman Pontiff. The Second Vatican Council solemnly proclaims:

Already from the earliest times the Eastern Churches followed their own forms of ecclesiastical law and custom, which were sanctioned by the approval of the Fathers of the Church, of synods, and even of ecumenical councils. Far from being an obstacle to the Church's unity, a certain diversity of customs and observances only adds to her splendour, and is of great help in carrying out her mission, as

¹⁷John Paul II, *Ut unum sint*, no. 89, in *AAS*, 87 (1995), p. 974; cf. also Discourse at the Headquarters of the World Council of Churches in Geneva, 12 June 1984, in *Insegnamenti di Giovanni Paolo II*, VII/1 (1984), p. 1686.

¹⁸Vatican II, *Lumen gentium*, no. 21; *CIC* c. 375 § 2.

has already been stated. To remove, then, all shadow of doubt, this holy Council solemnly declares that the Churches of the East, while remembering the necessary unity of the whole Church, have the power to govern themselves according to the disciplines proper to them, since these are better suited to the character of their faithful, and more for the good of their souls. The perfect observance of this traditional principle not always indeed carried out in practice, is one of the essential prerequisites for any restoration of unity.¹⁹

The Council acknowledged not only the validity of the sacrament of Orders, but also the jurisdictional power of the Orthodox bishops. The sacramental ordering and discipline of the Eastern Churches are also authentic and in itself lawful, since they are "sanctioned by the approval of the Fathers of the Church, of synods, and even of ecumenical councils". Hence the sacramental discipline of the Orthodox Churches is canonical, a condition which enables the Catholics to participate in the sacramental worship in case of urgent need, observing the norms of Catholic canon law.

2.2. Recognition of Ecclesial Communities in the West

As already indicated, the Second Vatican Council made a basic distinction between the ecclesial communities or Protestant Churches stemmed from the Reformation in the sixteenth century and the Orthodox Churches, because of the substantial differences existing between them in doctrine and sacramental theology. As the Council itself points out, the ecclesial communities ensuing from Reformation differ from the Catholic Church in the interpretation of revealed truth, in Trinitarian, Christological and Mariological doctrines, as well as in sacramental theology, ecclesiology and moral matters.²⁰

With regard to sacramental sharing, the important question is the validity of the sacraments in the ecclesial communities of Reformation. The Council recognizes the validity of the sacrament of baptism in the Protestant Churches, but with regard to the Eucharist and the Priesthood, the Council realizes that they have not retained the proper reality of the Eucharistic mystery in its fullness, especially because of the absence of the sacrament

¹⁹Vatican II, *Unitatis redintegratio*, no. 16.

²⁰Vatican II, *Unitatis redintegratio*, nos. 19-23.

of Orders.²¹ If the sacrament of Orders is absent, according to Catholic theology, valid Eucharist cannot exist, nor any other sacrament, which requires the exercise of episcopal or priestly ministry.

According to the proponents of Reformation there are only two sacraments, namely baptism and the "supper of the Lord". In fact, as the Protestant theologian A. E. McGrath states, "The reformers mounted a sustained attack on medieval understanding of the number, nature and function of sacraments, and reduced the number of authentic sacraments from seven to two (baptism and the Eucharist)".²² The reformers rejected the doctrine of transubstantiation and the real presence of Christ in the "supper of the Lord". The Eucharist involves neither the repetition of the sacrifice of Christ nor his presence in the form of bread and wine; the biblical passages with regard to these are to be considered in a symbolical and metaphorical sense.²³

From the Catholic point of view the Churches ensuing from the Reformation have no valid Eucharist also because of the absence of the sacrament of holy Orders and ordained ministry. Hence, the only point of ontological sacramental communion with the communities of Reformation is baptism. Since the second half of the last century one can notice the fragmentation of several Protestant groups and a mushroom growth of competing sects and factions, some of which do not even maintain valid baptism, because of the absence of Trinitarian formula. The communities of Reformation do not consider marriage as a sacrament. However, according to the Catholic position the marriage of two validly baptized Protestants is a sacrament, since a valid marriage cannot exist between baptized persons without its being by the very fact a sacrament.²⁴

The basic distinction made by the Second Vatican Council between the sacramental Orthodox Churches and the ecclesial communities of Reforma-

²¹Vatican II, *Unitatis redintegratio*, no. 22; John Paul II, *Ut unum sint*, 67-68, in *AAS*, 87 (1995), pp. 962-963.

²²A. E. McGrath, *Reformation Thought: An Introduction*, second edition, Oxford, Blackwell, 1994, p. 159.

²³For the sacramental vision of the reformers: Martin Luther, Huldrych Zwingli and John Calvin, see Timothy George, *Theology of the Reformers*, Nashville, Broadman, 1988, pp. 92-94, 157-158, 238-239 & 317-320; McGrath, *Reformation Thought: An Introduction*, pp. 159-169.

²⁴*CIC* c. 1055 § 2; *CCEO* c. 776 § 2.

tion is maintained in all the subsequent documents. Based on the teaching of the Council, the Congregation for the Doctrine of the Faith has repeatedly pointed out that the ecclesial communities which have not preserved the Episcopate and the genuine and integral substance of the Eucharistic mystery cannot, according to the Catholic doctrine, be called Churches in the proper sense.²⁵ In brief, the possibility of sacramental sharing between the Catholics and the Protestants is at a very minimum level, because of the absence of true sacraments (except baptism and marriage) and the consequent lower state of ecclesiality.

2.3. The Existing Sacramental Communion as the Touchstone of Sacramental Sharing

Since the Second Vatican Council the idea of communion has become the fundamental key to understand the nature of the Church. The very *being* of the Church is communion, namely the communion of the faithful with the triune God - Father, Son and Holy Spirit - and the communion of the faithful among themselves. In the biblical and patristic traditions communion always involves two dimensions: the vertical communion with God and the horizontal communion among the Christian faithful.²⁶ The intrinsic, internal and organic foundation of such vertical and horizontal communion is constituted by valid sacraments.

The first origin of such communion is engendered by the sacrament of baptism, by which a person participates in the paschal mystery of Christ, namely in his death and resurrection, and shares in his priestly, prophetic and royal function. Baptism instituted by Christ is only one and the effects of baptism are the same in spite of the differences in its liturgical celebration according to the different traditions or rites. All those who have received valid baptism participate in the same paschal mystery of Christ, share in the same priestly, prophetic and royal function of Christ and receive the same new life of Christ. Therefore, all the validly baptized enter into a commu-

²⁵Congregation for the Doctrine of the Faith, Letter to Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion, *Communio in notio*, 28 May 1992, no. 17, in *AAS*, 85 (1993), p. 849; Declaration *Dominus Iesus*, no. 17, in *AAS*, 92 (2000), pp. 758-759; Responses to Some Questions regarding Certain Aspects of the Doctrine on the Church, in *AAS*, 99 (2007), p. 608.

²⁶Congregation for the Doctrine of the Faith, *Communio in notio*, no. 3, in *AAS*, 85 (1993), p. 839.

nion with Jesus Christ, and thus there originates an ontological sacramental communion of all the baptized. In brief, baptism constitutes the foundation of communion and the sacramental bond of unity among all Christians, Catholic, Orthodox or Protestant.²⁷ In short, baptism is the first instance of ontological communion with the triune God and among all the faithful of Christ, and therefore the fundamental internal basis of the unity of the Church.

By the sacraments of baptism and confirmation (or Chrismation with holy myron) the faithful also receive the Holy Spirit and become adopted sons of God. For all who are led by the Spirit of God are sons of God. When we cry, "Abba! Father" it is the Spirit himself bearing witness with our spirit that we are children of God.²⁸ In spite of the variety of gifts, there is only one Holy Spirit, who abides in all: "For just as the body is one and has many members, and all the members of the body, though many, are one body, so it is with Christ. For by one Spirit we were all baptized into one body – Jews or Greeks, slaves or free – and we were all made to drink of one Spirit" (1 Cor 12: 12-13). Through valid baptism-confirmation all receive the same Holy Spirit, who binds the Christian faithful among themselves and with the Most Holy Trinity and thus constitutes one ontological internal communion.

The vertical communion with the triune God and the horizontal communion of the faithful are realized and manifested in an eminent manner in the celebration of the Eucharistic liturgy, the sacrament of the sacraments and the source and summit of Christian life. In the Eucharistic celebration the triune God – Father, Son and Holy Spirit – becomes present in the Christian community in a very special manner. In every Eucharistic celebration we find the presence of the triune God – the Father to whom the sacrifice is offered, the Holy Spirit who transforms the bread and wine into the body and blood of Christ and the Son incarnated who becomes actually present in the form of bread and wine.

²⁷Vatican II, *Unitatis redintegratio*, no. 3; Pontifical Council for Promoting Christian Unity, *Directory for the Application of Principles and Norms on Ecumenism*, no. 129, in AAS, 85 (1993), p. 1088; *Catechism of the Catholic Church*, no. 1271; John Paul II, *Ut unum sint*, no. 66, in AAS, 87 (1995), p. 962.

²⁸Cf. Rom 8: 14-17; Gal 5: 16-18.

Wherever there is true and valid Eucharist, the same Christ is fully, equally and entirely present, the bread and wine are really transformed into the same Body and Blood of Christ, because the Eucharist instituted by Christ is one and the same. By receiving the Holy Communion in any Church, which has valid Eucharist, the Christian faithful receive the real Body and Blood of Christ, uniting them among themselves and with God. Thus, by the wonderful sacrament of the Eucharist the unity of the Church is both signified and brought about.²⁹ As the Congregation for the Doctrine of the Faith confirms: "the oneness and indivisibility of the Eucharistic body of the Lord implies the oneness of his mystical body, which is the one and indivisible Church".³⁰

Similarly, all validly consecrated bishops participate in one and the same supreme priesthood of Christ through the sacrament of Orders, creating thus a fundamental ontological unity among them. In fact, the episcopal college is constituted by the sacrament of Orders. Since the episcopate is one and undivided,³¹ by the very fact of valid episcopal consecration, all bishops enter into an ontological sacramental communion, which unites the bishops with Christ and with other members of the one and undivided episcopal college, whose head is the Pope. Such ontological sacramental communion with the Roman Pontiff and other bishops cannot be denied to anyone who has received valid episcopal consecration, even if he is not in full ecclesiastical communion with the Catholic Church.

The sacramental sharing between the Catholic Church and the Orthodox Churches is really a manifestation of the already existing ontological sacramental communion, engendered by the valid sacraments of baptism, confirmation, Eucharist and episcopate. One cannot find such close bonds of communion between the Catholic Church and the Churches of Reformation, because of the absence of valid Episcopate and Eucharist; the only point of sacramental communion with them is baptism. Hence, as we see below, separate norms are stipulated in Catholic canon law for sacramental sharing with the Orthodox Churches and with the communities of Reformation.

²⁹Vatican II, *Unitatis redintegratio*, no. 2.

³⁰Congregation for the Doctrine of the Faith, *Communio notio*, no. 11, in *AAS*, 85 (1993), p. 845.

³¹St Cyprian, *De Unitate Ecclesiae*, 5, in *Patrologia Latina*, vol. 4, pp. 516-517; Vatican II, *Lumen gentium*, no. 18; Congregation for the Doctrine of the Faith, *Communio notio*, no. 12, in *AAS*, 85 (1993), p. 845.

3. Canonical Norms Regulating Sacramental Sharing

As we have already indicated, before the Second Vatican Council sacramental sharing was prohibited and hence there was no question of any canonical regulations. The Second Vatican Council, which rediscovered the profound communion existing between the Roman Catholic Church and the Eastern Orthodox Churches, determined the nature, purpose and scope of sacramental sharing and stipulated directive principles and precise norms for the correct ordering of the same.³² After the Council, the then Secretariat for the Promotion of the Unity of Christians published the *Directory concerning Ecumenical Matters* to encourage and guide the concern for unity and to put into practice the conciliar principles.³³ In this Directory numbers 38-63 extensively dealt with the different aspects of sacramental sharing, substantiating and clarifying the prescriptions of the Council.

On 1 June 1972 the Secretariat for the Promotion of the Unity of Christians published an instruction, in order to respond to the question, frequently posed to it: "In what circumstances and on what conditions can members of other Churches and ecclesial communities be admitted to Eucharistic Communion in the Catholic Church?"³⁴ The purpose of this document, which specifically dealt with the admission of other Christians to the Eucharistic Communion, was not to "change the existing rules but to explain them, bringing out the doctrinal principles on which the rules rest and so making their application easier". After the publication of the said instruction various interpretations were circulated, some of which departed from the letter and spirit of the document. "To prevent the spread of such interpretations, and their consequences", on 17 October 1973 the same Secretariat published a note, specifying and clarifying the controversial points.³⁵

³²Vatican II, *Orientalium Ecclesiarum*, nos. 26-27.

³³Secretariat for the Promotion of the Unity of Christians, *Directory concerning Ecumenical Matters*, first part (nos. 1-63), *Ad totam Ecclesiam*, 14 May 1967, in AAS, 59 (1967), pp. 574-592; second part, *Spiritus Domini* (nos. 64-94) 16 April 1970, in AAS, 62 (1970), pp. 705-724.

³⁴Secretariat for the Promotion of the Unity of Christians, Instruction on Admitting other Christians to Eucharistic Communion in the Catholic Church under Certain Circumstances, *In quibus rerum circumstantiis*, 1 June 1972, in AAS, 64 (1972), pp. 518-525.

³⁵Secretariat for the Promotion of the Unity of Christians, Note Interpreting the 'Instruction on admitting other Christians to Eucharistic Communion in the Catholic Church

On the basis of the doctrine of the Second Vatican Council and all the subsequent documents, both the Code of Canon Law (1983) in canon 844 and the Code of Canons of the Eastern Churches (1990) in canon 671 summarized the main norms for sacramental sharing between the Catholics and other Christians. Moreover, on 25 March 1993 the Pontifical Council for Promoting Christian Unity revised, updated and elaborated the aforementioned ecumenical Directory and published the new *Directory for the Application of Principles and Norms on Ecumenism*.³⁶ In this document numbers 122-136 are devoted to the doctrinal and canonical principles of sacramental sharing. Subsequently Pope John Paul II reiterated and confirmed the possibility of sharing the sacraments of penance, the Eucharist and anointing of the sick.³⁷

As indicated above, both the Latin Code (*CIC*) and the Eastern Code (*CCEO*) summarize the norms on sacramental sharing in a single canon, which has five parts. The norms on the subject are substantially the same in both Codes and hence only some redactional changes can be found. Now we analyze the different parts of *CIC* c. 844 and *CCEO* c. 671, giving them in parallel columns.

3. 1. The Basic Principle

CIC c. 844 §1. Catholic ministers may licitly administer the sacraments to Catholic members of the Christian faithful only and, likewise, the latter may licitly receive the sacraments only from Catholic ministers with due regard for §§ 2, 3, and 4 of this canon, and can. 861, §2.

CCEO c. 671§ 1. Catholic ministers licitly administer the sacraments only to Catholic Christian faithful, who, likewise, licitly receive the sacraments only from Catholic ministers.

In the first part of the respective canon both Codes establish the basic general principle: the Catholic ministers licitly administer the sacraments only to Catholics, who likewise receive the sacraments only from Catholic

under Certain Circumstances,' *Nota sul alcune*, 17 October 1973, in *AAS*, 65 (1973), pp. 616-619.

³⁶Original text in *AAS*, 85 (1993), pp. 1039-1119.

³⁷John Paul II, *Ut unum sint*, nos. 46 & 58, in *AAS*, 87 (1995), pp. 948 & 956; *Ecclesia de Eucharistia*, nos. 45-46, in *AAS*, 95 (2003), pp. 462-463.

ministers. Because of the differences in matters of faith it is not yet possible to celebrate together the same Eucharistic liturgy and the other sacraments. Common celebration of Eucharist is a manifestation of full communion in the one, holy, Catholic and apostolic Church.³⁸ The ecumenical Directory explicitly states:

Since Eucharistic celebration is a visible manifestation of full communion in faith, worship and community life of the Catholic Church, expressed by ministers of that Church, it is not permitted to concelebrate the Eucharist with ministers of other Churches or ecclesial communities.³⁹

Like the other Churches, the Catholic Church also prohibits not only common worship, but also inter-Church sharing of sacraments in an indiscriminate manner. However, the Church provides for exceptions in view of the spiritual good of the Christian faithful. The Second Vatican Council itself, keeping intact the aforementioned basic principle, "lest because of the harshness of our judgment we be an obstacle to those seeking salvation" and in order more and more to promote union with the Eastern Churches separated from us", indicated the reason for the relaxation of the strict and rigorous norms in individual cases:

...pastoral experience shows clearly that, as regards our Eastern brethren, there should be taken into consideration the different cases of individuals, where neither the unity of the Church is hurt nor are verified the dangers that must be avoided, but where the needs of the salvation of souls and their spiritual good are impelling motives. For that reason the Catholic Church has always adopted and now adopts rather a mild policy, offering to all the means of salvation and an example of charity among Christians, through participation in the sacraments and in other sacred functions and things.⁴⁰

The ultimate aim of all the activities of the Church is the salvation of souls, which is in fact the supreme law, and thereby the glorification of God. The strict principle with regard to inter-Church sacramental sharing can be relaxed in individual cases, only if it contributes to the realization of the greatest good of the salvation of souls.

³⁸John Paul II, *Ut unum sint*, no. 45, in *AAS*, 87 (1995), pp. 947-948.

³⁹Pontifical Council for Promoting Christian Unity, *Directory for the Application of Principles and Norms on Ecumenism*, no. 104e, in *AAS*, 85 (1993), p. 1083.

⁴⁰Vatican II, *Orientalium Ecclesiarum*, no. 26.

3.2. Norms for Catholics Seeking the Sacraments of Penance, Eucharist, and Anointing of the Sick from non-Catholic Ministers

§2. Whenever necessity requires or genuine spiritual advantage suggests, and provided that the danger of error or indifferentism is avoided, it is lawful for the faithful for whom it is physically or morally impossible to approach a Catholic minister, to receive the sacraments of penance, Eucharist, and anointing of the sick from non-Catholic ministers in whose churches these sacraments are valid.

§ 2. If necessity requires it or genuine spiritual advantage suggests it and provided that the danger of error or indifferentism is avoided, it is permitted for Catholic Christian faithful, for whom it is physically or morally impossible to approach a Catholic minister, to receive the sacraments of penance, the Eucharist and anointing of the sick from non-Catholic ministers, in whose Churches these sacraments are valid.

Evidently both Codes in the second part of the respective canon lays down four conditions, which the Catholics have to take to heart, if they desire to receive the sacraments of penance, the Eucharist and anointing of the sick from non-Catholic ministers.

3.2.1. Necessity or genuine spiritual advantage

The Catholics can approach the ministers of other Churches only in cases of necessity or genuine spiritual need. Mortal sin results in the loss of charity and the privation of sanctifying grace, that is, of the state of grace. If it is not redeemed by repentance and God's forgiveness, it causes exclusion from Christ's Kingdom and the eternal death of hell.⁴¹ Hence anyone who is conscious of mortal sin has necessity to receive the sacrament of penance, because his eternal salvation itself is in peril. Similarly, anyone who is conscious of grave sin should not celebrate or receive the Body of the Lord without prior sacramental confession, except for grave reason when the possibility of confession is lacking.⁴² Hence in such circumstances for the priests and the Catholic Christian faithful there is necessity for the sacrament of penance, which is also of genuine spiritual advantage.

⁴¹*Catechism of the Catholic Church*, no. 1861.

⁴²CIC c. 916; John Paul II, *Ecclesia de Eucharistia*, no. 36, in *AAS*, 95 (2003), pp. 457-458; *Catechism of the Catholic Church*, no. 1385; Congregation for Divine Worship and the Discipline of the Sacraments, *Instruction Redemptionis Sacramentum*, no. 81, Vatican City, Libreria Editrice Vaticana, 2004, p. 35.

The Catholic Church obliges the faithful to receive the Eucharist at least once a year, if possible during the Easter season. But the Church strongly encourages them to receive the Holy Eucharist on Sundays and feast days, or more often still, even daily.⁴³ The Eucharist is the necessary spiritual nourishment for the Christian life. In fact, the Holy Communion augments union of the Christian faithful with Christ, separates them from sin, preserves them from future mortal sins, unites them in one body and commits them to the poor.⁴⁴ The Christian faithful, especially those who are accustomed to frequent communion, cannot avoid this spiritual nourishment for a long time, without grave detriment to their Christian life.

In danger of death or prior to a serious operation a practising Catholic has the necessity to receive the sacraments of the anointing of the sick and the Eucharist as viaticum. The penance, the anointing of the sick and the Eucharist as viaticum constitute at the end of Christian life the sacraments that prepare for our heavenly homeland; these sacraments complete the earthly pilgrimage.⁴⁵ The spiritual advantage of the sacrament of the anointing for a seriously sick person is beyond any discussion. Even if such a necessity or spiritual advantage is present, before approaching a non Catholic minister, the existence of the other conditions is to be verified.

3.2.2. *No danger of error or indifferentism*

Even in case of necessity or genuine spiritual advantage a Catholic Christian faithful is not permitted to approach a non Catholic minister, if there is danger of error or indifferentism. The Second Vatican Council itself teaches: "Common participation in worship (*communicatio in sacris*) which harms the unity of the Church or involves formal acceptance of error or the danger of aberration in the faith, of scandal and indifferentism, is forbidden by divine law".⁴⁶ Dangers such as harm to Christian unity, error, indifferentism, aberration in the faith and scandal are to be avoided for the person receiving the sacraments, the other members of the Church and the members of the other Church whose minister is approached. With regard to this point the former ecumenical Directory (1967) affirmed:

⁴³ *Catechism of the Catholic Church*, no. 1389.

⁴⁴ *Catechism of the Catholic Church*, nos. 1391-1397.

⁴⁵ *Catechism of the Catholic Church*, no. 1525.

⁴⁶ Vatican II, *Orientalium Ecclesiarum*, no. 26.

Since practice differs between Catholics and other Eastern Christians in the matter of frequent communion, confession before communion and the Eucharistic fast, care must be taken to avoid scandal and suspicion among the Orthodox, created by Catholics not following the Orthodox usage. A Catholic who legitimately communicates with the Orthodox in the cases envisaged here must observe the Orthodox discipline as much as he can.⁴⁷

The present Directory reiterates the norm and underlines the need for reciprocal respect and comprehension: "Catholics ought to show a sincere respect for the liturgical and sacramental discipline of other Churches and ecclesial communities and these in their turn are asked to show the same respect for Catholic discipline".⁴⁸ A Catholic, who publicly approaches an Orthodox priest for communion during the Eucharistic liturgy, must follow the Orthodox discipline and manner of receiving communion. Otherwise it would be scandalous to the whole Orthodox congregation present for worship. Similarly a Catholic receiving communion during an Orthodox Eucharistic celebration may be a cause of error and indifferentism to those Catholics, who do not know that there exists valid Eucharist in the Orthodox Churches. For many Orthodox Churches, a heterodox approaching for communion is itself erroneous and scandalous. Hence sacramental sharing even according to the conditions established by the Catholic Church cannot be possible without inter-Church dialogue, mutual understanding and common agreement on the basis of the principle of reciprocity.

Ecumenical dimension of theology is to be given sufficient emphasis in Catholic universities, ecclesiastical faculties, seminaries and other formation houses with the intention of highlighting the already existing ontological communion between the Catholic Church and the Orthodox Churches. The Christian faithful are also to be sufficiently conscience-tized of this, so that they may not be scandalized in case of an eventual sacramental sharing. As Pope John Paul II states, "In so important and sensitive a matter, it is necessary for pastors to instruct the faithful with care, making them clearly aware of the specific reasons both for this sharing in liturgical worship and for the various regulations which govern it".⁴⁹

⁴⁷Secretariat for the Promotion of the Unity of Christians, *Ad totam Ecclesiam*, no. 45, in AAS, 59 (1967), p. 588.

⁴⁸Pontifical Council for Promoting Christian Unity, *Directory for the Application of Principles and Norms on Ecumenism*, no. 107, in AAS, 85 (1993), p. 1083.

⁴⁹John Paul II, *Ut unum sint*, no. 58, in AAS, 87 (1995), p. 956.

3.2.3. Physical or moral impossibility to approach a Catholic minister

As stated in the first part of the canon, the basic principle is that the Catholic faithful should approach a Catholic minister for the sacraments of penance, Eucharist, and anointing of the sick. The permission to approach a non Catholic minister is an exception in case of physical or moral impossibility to find a Catholic minister. A thing is considered morally impossible if it cannot be done without extraordinary effort, grave inconvenience or great expense.⁵⁰ Because of the sudden fall of priestly vocations and the penury of priests in some Western countries the impossibility to approach a Catholic minister may be real and frequent. The aim of the provision is not to deprive a Christian faithful of the grace and fruits of the sacraments, necessary for their spiritual life, because of physical or moral impossibility to approach a Catholic minister.

3.2.4. Valid sacraments in the Church of the minister

Before approaching a minister for the aforementioned three sacraments one has to evaluate, whether the Church of the respective minister has valid sacraments. No one can give what he does not possess. It is useless and fruitless to receive invalid sacraments.

As we have seen above, the Orthodox Churches possess valid priesthood, true Eucharist and all other sacraments. Hence a Catholic can approach a priest of an Orthodox Church for the sacraments of penance, Eucharist and anointing of the sick from the ministers of these Churches, if the other three aforementioned conditions are verified.

The authorities of the Church-communities stemming from the Reformation declare that they have only two sacraments: baptism and the Eucharist. As it is publicly acclaimed the aforementioned communities do not have the sacraments of penance and anointing of the sick. Evidently the ministers of these Churches cannot administer what they do not possess. Hence it is impossible to approach a Protestant pastor for these sacraments. The Catholics cannot accuse the Protestant communities of having those sacraments which they themselves publicly proclaim not to retain, nor can they attempt to receive from their ministers what they do not possess.

In the Eucharist, which they generally call the "Supper of the Lord", they do not admit the real presence of Christ, but consider bread and wine

⁵⁰G. Sheehy et al. (eds), *The Canon Law Letter & Spirit*, London, Geoffrey Chapman, 1996, pp. 464-465.

as symbols of the body and blood of Christ. They do not admit the doctrine of transubstantiation or the transformation of bread and wine into the Body and Blood of Christ. As we have already indicated, according to Catholic theology the Protestant ecclesial communities do not have valid Priesthood and hence it is impossible to effect valid Eucharist. With regard to the Eucharist in the ecclesial communities of Reformation the Fathers of Vatican II observed: "we believe they have not retained the proper reality of the eucharistic mystery in its fullness, especially because of the absence of the sacrament of Orders, nevertheless when they commemorate His death and resurrection in the Lord's Supper, they profess that it signifies life in communion with Christ and look forward to His coming in glory."⁵¹ Since the Protestant ecclesial communities do not possess valid Eucharist, it is not possible for the Catholics to receive the Body and Blood of Christ from their ministers, but only bread and wine, which are only symbols of communion with Christ and among the faithful.

3. 3. Norms for Catholic Ministers Administering the Sacraments of Penance, Eucharist and Anointing of the Sick to the Faithful of Orthodox Churches

§3. Catholic ministers may licitly administer the sacraments of penance, Eucharist and anointing of the sick to members of the oriental churches which do not have full communion with the Catholic Church, if they ask on their own for the sacraments and are properly disposed. This holds also for members of other churches which in the judgment of the Apostolic See are in the same condition as the oriental churches as far as these sacraments are concerned.

§ 3. Likewise Catholic ministers licitly administer the sacraments of penance, the Eucharist and anointing of the sick to Christian faithful of Eastern Churches, who do not have full communion with the Catholic Church, if they ask for them on their own and are properly disposed. This holds also for the Christian faithful of other Churches, who according to the judgement of the Apostolic See, are in the same condition as the Eastern Churches as far as the sacraments are concerned.

Since the Eastern Churches have valid sacraments and since the faith of the Eastern Christians with regard to the sacraments correspond to that of the Catholic Church, only two conditions are stipulated in canon law for

⁵¹Vatican II, *Unitatis redintegratio*, no. 22.

Catholic ministers administering the sacraments of penance, Eucharist and anointing of the sick to the faithful of the Orthodox Churches.

First of all, the Catholic ministers can lawfully administer the said three sacraments to the faithful of the Eastern Orthodox Churches only if they spontaneously ask for them. Catholic ministers or other persons cannot coerce or induce the Christian faithful of other Churches not in full communion with the Catholic Church to receive the sacraments. Any kind of coercion is against natural justice, human nature and religious liberty. Moreover, all that can be interpreted as proselytism is to be avoided, also because it is detrimental to the unity and full communion of all the Christians. The purpose of this canonical provision is to provide for the spiritual good and salvation of those Christian faithful, who are dispersed in Catholic regions, without proper ecclesiastical structures and their own ministers.

Secondly, the Catholic ministers can administer the sacraments already mentioned to non-Catholic Eastern Christians, only if they are properly disposed. Usually the Eastern Christians approach the sacraments with due preparation, fast and prayer. In the absence of their own ministers, they spontaneously ask for the sacraments to a Catholic minister, because they are much concerned about their spiritual life and hence a sufficiently good disposition can even be presumed. From the Eastern Christians not in full communion with the Catholic Church cannot be required more than what is prescribed for Catholics.

The last part of the canon reads: "This holds also for the Christian faithful of other Churches, who according to the judgement of the Apostolic See, are in the same condition as the Eastern Churches as far as the sacraments are concerned". The traditionalist groups which broke communion with the Catholic Church after the Second Vatican Council are evidently "in the same condition as the Eastern Churches as far as the sacraments are concerned". Similarly the "Old Catholics" seem to have valid Eucharist and other sacraments. The Vatican II has acknowledged that among the ecclesial communities stemming from Reformation, "the Anglican communion occupies a special place".⁵² However, the validity of the sacraments of the Anglican Church, except that of baptism, has not yet been officially determined by the Catholic Church. In brief, until today the Apostolic See has never judged that any ecclesial community ensuing from the Reformation

⁵²Vatican II, *Unitatis redintegratio*, no. 13.

has the same ecclesial status of the Eastern Churches. Hence Catholic ministers cannot administer the aforementioned three sacraments to the Protestants, unless the other conditions stipulated in § 4 are fulfilled.

3.4. Norms for Catholic Ministers Administering the Same Three Sacraments to the Protestants

§4. If the danger of death is present or other grave necessity, in the judgement of the diocesan bishop or the conference of bishops, Catholic ministers may licitly administer these sacraments to other Christians who do not have full communion with the Catholic Church, who cannot approach a minister of their own community and on their own ask for it, provided they manifest Catholic faith in these sacraments and are properly disposed.

§ 4. If there is a danger of death or another matter of serious necessity in the judgement of the eparchial bishop, the synod of bishops of the patriarchal Church or the council of hierarchs, Catholic ministers licitly administer the same sacraments also to other Christians not having full communion with the Catholic Church, who cannot approach the ministers of their own ecclesial communities and who request them on their own, provided they manifest a faith consonant with that of the Catholic Church concerning these sacraments and are rightly disposed.

In addition to the proper disposition and spontaneous request, prescribed for the Eastern Christians, three further requirements must be met for the licit administration of the three aforementioned sacraments to faithful of Protestant Church-communities.

1. Danger of Death or other grave necessity: The former ecumenical Directory (1967) explicitly stated: "Celebration of the sacraments is an action of the celebrating community, signifying the oneness in faith, worship and life of the community. Where this unity of sacramental faith is deficient, the participation of the separated brethren with Catholics, especially in the sacraments of penance, the Eucharist, and anointing of the sick is forbidden".⁵³ Since these Christians differ from Catholics in faith, sacraments and worship,

⁵³Secretariat for the Promotion of the Unity of Christians, *Ad totam Ecclesiam*, no. 55, in AAS, 59 (1967), p. 590. The same idea is maintained in the *Directory for the Application of Principles and Norms on Ecumenism*, but with less severe expressions. See, no. 129, in AAS, 85 (1993), p. 1088.

the Catholic ministers can lawfully administer the aforesaid three sacraments, in addition to danger of death, only in extreme cases of necessity as an exception. The extreme cases of grave necessity, explicitly indicated in the pertinent documents of the Holy See are: imprisonment, persecution, diaspora or long distance and great expense.⁵⁴ Other cases of grave necessity can be determined by the diocesan or eparchial bishop, bishops' conferences of the Latin Church, synod of bishops of patriarchal and major archiepiscopal Churches, and the council of hierarchs of metropolitan *sui iuris* Churches, taking into account the particular circumstances in their territory.

2. Manifestation of Catholic Faith: Since according to Catholic theology, the ecclesial communities of Reformation do not have valid Eucharist, admitting the Protestant Christians to Eucharistic communion is extremely difficult. As the Secretariat for the Promotion of the Unity of Christians stated: "With Christians who belong to communities whose Eucharistic faith differs from that of the Church and which do not have the sacrament of Orders, admitting them to the Eucharist entails the risk of obscuring the essential relation between Eucharistic communion and ecclesial communion".⁵⁵ So even in cases of urgent necessity, these Christians are asked to manifest a faith in the Eucharist in conformity with that of the Church, namely in the Eucharist as Christ instituted it and as the Catholic Church hands it on.⁵⁶ Such faith is not limited to a mere affirmation of the "real presence" in the Eucharist, but implies the doctrine as taught in the Catholic Church.⁵⁷ It seems that except in danger of death, those who desire to receive the Eucharist should approach the minister beforehand, who should instruct them on the Catholic doctrine of the Eucharist and its various aspects, thus enabling them to manifest the Catholic faith.

Practically, with regard to the Protestants the sacramental sharing is limited to the Eucharistic communion. It is extremely difficult that Protestant Christians, who from their childhood have been taught and catechized

⁵⁴Secretariat for the Promotion of the Unity of Christians, *Ad totam Ecclesiam*, no. 55, in *AAS*, 59 (1967), p. 590; *In quibus rerum circumstantiis*, in *AAS*, 64 (1972), pp. 524-525.

⁵⁵Secretariat for the Promotion of the Unity of Christians, *In quibus rerum circumstantiis*, in *AAS*, 64 (1972), p. 524.

⁵⁶Secretariat for the Promotion of the Unity of Christians, *In quibus rerum circumstantiis*, in *AAS*, 64 (1972), p. 524.

⁵⁷Secretariat for the Promotion of the Unity of Christians, *Quoad interpretationem*, in *AAS*, 65 (1973), p. 618.

about the inexistence of the sacraments of penance and anointing of the sick, request them from a Catholic minister. If they spontaneously do so, they are to be instructed about the doctrine and salvific significance of these sacraments and only after they have learned and manifested the Catholic faith, the said sacraments can lawfully be administered.

3. Absence of a minister of the same community: the general principle is that the faithful of each Church should approach a minister of his own community. However, prompted by Christian charity, provision is made for the spiritual good and eternal salvation of the Christian faithful of other ecclesial communities, if their own ministers are not present in a particular locality. The impossibility to approach a minister of one's own community can be physical or moral, as we have already explained. A Catholic minister can administer the sacrament of the Eucharist to a Protestant only if it is physically or morally impossible for him to approach a minister of his own ecclesial community.

3.5. Competence of Diocesan Bishops and Local Organs of Collegial Governance

§5. For the cases in §§ 2, 3, and 4, neither the diocesan bishop nor the conference of bishops is to enact general norms except after consultation with at least the local competent authority of the interested non-Catholic Church or community.

§ 5. For the cases in §§ 2, 3 and 4, norms of particular law are to be enacted only after consultation with at least the local competent authority of the non-Catholic Church or ecclesial community concerned.

The competent authority to determine a situation of danger of death mentioned in § 4 is evidently the minister approached for the administration of the sacrament. Other cases of "necessity or genuine spiritual advantage" (§ 2) or "some other grave and pressing need" (§ 4) are determined by the diocesan bishop, the bishop's conference in the Latin Church and the synod of bishops and the council of hierarchs in Eastern Catholic Churches. These authorities can issue general norms or particular laws, specifying the situations of necessity in which the Catholics can lawfully receive the sacraments of penance, the Eucharist, and anointing of the sick from the ministers of Orthodox Churches. The same authorities can determine the precise conditions for the verification of urgent necessity, which permits a Catholic minister to lawfully administer the same sacraments to non-Catholic Chris-

tians. It is to be noted that the purpose of such general norms or particular laws is not to change the conditions and restrictions prescribed by universal law, but only to determine situations of grave and pressing need in each territory.

The canon orders that the diocesan bishops, the bishop's conference or the synod of bishops should not issue such norms except after consultation with the competent authority of the non-Catholic Church or community concerned. Even within the limits determined by law the sacramental sharing should preferably be the result of joint study, ecumenical dialogue, progressive understanding, mutual recognition and bilateral agreements, animated by the principle of reciprocity. The promulgation of general norms or particular laws should be the culmination of such a long and ongoing process of growing unity and rapprochement.

3.6. *The Sacrament of Baptism*

In addition to the three sacraments specially mentioned, there are other possibilities of sacramental communion indicated in the Codes, such as baptism and marriage. The Catholic Church teaches that "Baptism is necessary for salvation for those to whom the Gospel has been proclaimed and who have had the possibility of asking for this sacrament".⁵⁸ In a case of necessity any person who has the requisite intention can be the minister of baptism.⁵⁹ For the same reason, an infant of Catholic parents, indeed even of non-Catholic parents, is lawfully baptized in danger of death, even if the parents are opposed to it.⁶⁰

At present the world has turned into a global village and people are on the move, breaking down national boundaries and transcending religious, cultural and linguistic barriers. Because of widespread emigration, many faithful of Orthodox Churches and ecclesial communities stemming from Reformation can be found in Catholic regions, sometimes without their own ecclesiastical structures, ministers and provisions for pastoral care. It is possible that in such circumstances the Orthodox or Protestant parents request a Catholic minister to baptize their infants.

⁵⁸ *Catechism of the Catholic Church*, no. 1257; cf. *CIC* c. 849.

⁵⁹ *CIC* c. 861 § 2; *CCEO* c. 677 § 2.

⁶⁰ *CIC* c. 868 § 2; cf. *CCEO* c. 681 § 4.

According to the Latin Code, for an infant to be baptized lawfully, it is required that there be realistic hope that the child will be brought up in the Catholic religion. If such hope is truly lacking, the baptism is, in accordance with the provisions of particular law, to be deferred and the parents advised of the reason for this.⁶¹ In cases of danger of death baptism should be administered without delay. This canon, which speaks of a deferral of baptism under normal circumstances, but not an absolute refusal, seems to refer only to those Catholics who do not practice their faith or those who adhere to atheistic ideologies and philosophical systems, without any chance of educating their children in the Catholic faith. Evidently it is not possible to put Catholic upbringing as a condition to two non-Catholic parents who, in the absence of their own ministers, request baptism for their infant. It appears to be against evangelical charity and the Catholic teaching about the necessity of baptism for salvation to deny it to an infant of non-Catholic parents, in spite of their spontaneous request and good disposition.

In canon 681 § 1 the Eastern Code prescribes the same condition with regard to the Catholics: for an infant to be licitly baptized it is required that there is a realistic hope that the infant will be educated in the Catholic Church. However, in the fifth part of the same canon it is explicitly stated: "Infants of non-Catholic Christians are licitly baptized, if their parents or at least one of them or the person who lawfully takes their place request it, and if it is physically or morally impossible for them to approach their own minister".⁶² According to this canon, evidently an Eastern Catholic priest can lawfully administer the sacrament of baptism to an infant of non-Catholic parents upon their spontaneous request, if the minister of their own Church or ecclesial community cannot be approached.

Evaluating the whole teaching of the Catholic Church on sacramental sharing, the norms of the Latin Code with regard to the sacraments of penance, the Eucharist and anointing of the sick, and given the aforementioned regulation of the Oriental Code, promulgated by the same supreme authority of the Church, I am of the opinion that also a Latin Catholic priest can lawfully baptize an infant of non-Catholic parents, if they spontaneously ask for it. In such cases of baptism the pertinent conditions concerning the

⁶¹ *CIC* c. 868 § 1, no. 2.

⁶² *CCEO* c. 681 § 5.

sharing of the three sacraments already indicated are also to be applied, as far as possible.

If a Latin Catholic priest baptizes an Orthodox infant in the circumstances indicated above, he has to consider the fact that in the Orthodox Churches the sacrament of Confirmation is administered together with baptism. Hence, in accordance with the provisions of the Latin Code he may obtain the faculty from his local Ordinary for administering the sacraments of Christian initiation in the same ceremony.⁶³

Evidently in the aforementioned exceptional cases, an infant of Orthodox or Protestant parents, baptized by a Catholic priest will be enrolled in the respective non Catholic Church. However, he or she can be received into the Catholic Church, if the necessary conditions prescribed by law are verified.⁶⁴

3.7. The Sacrament of Matrimony

Here we are not dealing with the sacramental sharing effected by mixed marriages, which are precisely regulated by both Latin and Eastern Codes.⁶⁵ The ecclesial communities stemming from Reformation do not consider marriage as a sacrament and they generally follow the civil law of the country, since many of them do not have their own matrimonial law. The sacramental doctrine of the Orthodox Churches with regard to marriage, on the other hand, is almost equal to that of the Catholic Church. In fact, two Orthodox faithful cannot celebrate a valid marriage without the sacred rite, namely the intervention of a priest, who as the minister of the sacrament receives the consent of the spouses and imparts upon them the priestly blessing, which is an essential and constitutive part of Orthodox canonical form.

Our question is whether a Catholic priest can assist at a marriage of two Orthodox faithful living in an exclusively Catholic region, if they voluntarily make such a request, because of physical or moral impossibility to approach a minister of their own Church. With regard to Catholics, both Codes refer to an extraordinary form, which can be utilized in case of necessity. In view of

⁶³CIC cc. 882-888.

⁶⁴CCEO c. 900 §§ 1-2.

⁶⁵CIC cc. 1124-1127; CCEO cc. 813-816; Pontifical Council for Promoting Christian Unity, *Directory for the Application of Principles and Norms on Ecumenism*, nos. 143-160, in AAS, 85 (1993), pp. 1091-1096.

the natural right of the Christian faithful to celebrate marriage, if one who is competent according to the norm of law cannot be present or be approached without grave inconvenience, those who intend to celebrate a true marriage can validly and licitly celebrate it in the presence of witnesses only.⁶⁶ The Eastern Code stipulates that in such cases "if another priest is at hand, he is to be called upon, if it is possible, to bless the marriage, without prejudice to the validity of the marriage celebrated in the presence of only the witnesses; in such cases even a non-Catholic priest may be called" (c. 832 § 2). The canon explicitly states that "even a non-Catholic priest may be called", who may impart the priestly blessing, necessary for the validity of canonical form in normal circumstances. The corresponding section of the Latin Code uses the expression "another priest or deacon", since in the Latin Church deacons can also assist at the marriage.⁶⁷ The canon does not explicitly mention that a non-Catholic priest or deacon can be called, but this is understood, since the expression another Catholic priest or deacon is not used.

Furthermore, the Eastern Code explicitly states: "The local hierarch can give to any Catholic priest the faculty of blessing the marriages of the Christian faithful of an Eastern non-Catholic Church if those faithful cannot approach a priest of their own Church without great difficulty, and if they spontaneously ask for the blessing as long as nothing stands in the way of a valid and licit celebration" (c. 833 § 1). From the expression "any Catholic priest", it is evident that the Eastern local hierarch can grant the faculty to bless the marriage of the faithful of non-Catholic Eastern Church even to a Latin Catholic priest canonically present in his territory. This canon agrees with principles of Second Vatican Council and the norms of canon law concerning sacramental sharing with the faithful of Orthodox Churches, that have valid sacraments.

A corresponding canon is not found in the Latin Code. But it seems that in the light of the whole legislation concerning sacramental sharing and the natural right of every person to celebrate marriage, even a Latin Ordinary can grant permission to one of his priests to assist at the marriage of two Orthodox Christian faithful living in his diocese, without any possibility of approaching a minister of their own Church, if they voluntarily

⁶⁶*CIC* c. 116 § 1; *CCEO* c. 832 § 1.

⁶⁷*CIC* c. 1116 § 2. "In utroque casu, si praesto sit alius sacerdos vel diaconus qui adesse possit, vocari et, una cum testibus, matrimonii celebrationi adesse debet, salva coniugii validitate coram solis testibus".

make such a request. This is possible also because according to the Latin canonical doctrine the priest is not the celebrant of marriage, but only the official qualified witness of the Church who asks the celebrating parties to manifest their consent and in the name of the Church receives it (cf. c. 1108 § 2). In the aforementioned urgent cases the Catholic minister accomplishes an act of charity in view of the spiritual good and eternal salvation of souls, preventing the non-Catholic Christian faithful from falling into a state of sinful life and eternal death.

Conclusion

The recognition of the Churches and ecclesial communities outside the Catholic Church is the first step towards mutual collaboration between the various Churches and participation in spiritual resources. Between the Catholic Church and Eastern Orthodox Churches there exists almost full doctrinal, ontological and sacramental communion, which renders sacramental sharing theologically feasible and spiritually beneficial. According to Catholic theology, the ecclesial communities of Reformation have not maintained valid sacraments, with the exception of baptism (and marriage), and hence it is difficult to find a sound theological ground for reciprocal communication in sacraments. The canonical norms for sacramental sharing vary according to the grades of communion existing between the Catholic Church and other Churches and ecclesial communities. The observation of such norms is necessary to avoid indifferentism, doctrinal errors, scandal among the Christian faithful and false accusations of proselytism, which are detrimental to Christian unity and full communion of all the Christian Churches.